IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**
**WRIT PETITION NO :8216 of 2006**

**Dated 25th August, 2006**

**Between**
**L.Madhavi Latha**

**…..Petitioner**

**and**

**The Govt. of AP, rep. By its Prl.Secretary to Government, Social Welfare (Q1) Department, Secretariat, Hyderabad And ors.**

**….Respondents.**

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**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO : 8216 of 2006**

**ORDER:**

In this Writ Petition, the petitioner seeks Writ of Mandamus, to direct the second respondent to consider the petitioner's case for transfer from third respondent Educational Institution to the fifth respondent Educational Institution in the place of the fourth respondent.

The petitioner, a Junior Lecturer in Zoology, is presently working in A.P. Social Welfare Residential School for Boys, Gandi,

Chakrayapet Mandal in Kadapa District. At the beginning of the academic year, when general transfers were being effected, the petitioner also applied for transfer from the third respondent-School to the fifth respondent-School. In her application, the petitioner sought transfer on medical grounds stating that her husband is suffering with cancer and her assistance is necessary.

The petitioner placed reliance on the Andhra Pradesh Social Welfare Residential Educational Institutions Society Service Rules framed in G.O.Ms.No.1, Social Welfare (A1) Department, dated 2-1-1987, particularly on Rule 7, which reads as follows:

7. APPOINTMENT IN INSTITUITONS SPECIALLY PROVIDED FOR WOMEN:

(a) Women alone shall be appointed to the posts in any institution specially provided for them.

(b) If suitable and qualified women are not available for such appointment, male members of the concerned category who are not below 50 years of age may be appointed till such time as suitable and qualified women become available."

It is the case of the petitioner that though the fifth respondent-school is exclusively meant for girls, the fourth respondent, who is aged about 40 years is being allowed to continue though the petitioner is the eligible woman teacher for being posted in such a place. In that view of the matter, it is the case of the petitioner that she is entitle to be posted in fifth respondent school in the place of the fourth respondent.

On the other hand, it is the case of the respondents that the case of the petitioner was considered and as fourth respondent did not complete minimum required period in the fifth respondent-school, as per the said rules, he could not be disturbed.

Separate counter affidavit is filed by the fourth respondent

stating that the petitioner cannot claim transfer in his place at all and Rule 7 of the Rules, referred supra, has no application for transfers.

In the counter affidavit filed by the official respondents, it is also stated that there are vacant posts in other schools in the same zone, where the petitioner can fit into.

As much as there was no occasion for the official respondents to consider the claim of the petitioner with reference to the objections of the fourth respondent by examining the applicability of Rule 7 of the said Rules, and also on medical grounds, I deem it appropriate to dispose of the Writ Petition permitting the petitioner to make fresh representation in this regard within a period of three weeks from today, and, at the same time, it is also open to the fourth respondent to file representation stating his objections for the representation of the petitioner. On filing such a representation by the petitioner and objections by the fourth respondent, the second respondent shall consider the claim of the petitioner for transfer by applying Rules applicable in this regard and pass appropriate orders within a period of six weeks from today. However, it is made clear that this Court has not recorded any finding with regard to applicability of the rules to the claim of the petitioner for her transfer and it is open to the second respondent to examine the same having regard to administrative exigencies and pass appropriate orders with regard to posting of the petitioner.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

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*JUSTICE R. SUBHASH REDDY*

DATE: 25-08-2006

Note: CC in three days
(BO)Msnr.

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